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NATURAL RESOURCE CONFLICTS: THE WEST COAST IS NOT ALONE

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Cop. 3 "In order to make boards, you have to cut down the tree. The problem is, once they cut it down, they won't be able to put it up again."

Thus Josie Sam Atkinson, a Cree Indian, reflected on the enormous hydroelectric development engulfing the wetlands and forests of the St. James Bay region in Canada. Development is a gamble, observed Mr. Atkinson, one in which the Crees and other native peoples are risking their culture and environment in exchange for \$225 million, special landownership and use rights, and higher paying jobs. (8)

The fearsome side of that gamble is that, even though development itself sometimes stops expanding and on occasions declines, many of its effects cannot be reversed.

In the jargon of resource conservation, we talk about irreversibility in terms of flows and critical zones. A flow is the availability of a resource at different intervals of time. A critical zone is the rate of flow below which further decreases cannot be stopped. For animal and plant life, the critical zone is reached when population numbers are so few that a species cannot survive. (1)

It is this irreversibility--this inability to put the same tree back up again--that provokes the alarm with which growing numbers of people view the effects of human activity.

The endangered status of the California condor, the brown pelican of Florida, and the bald eagle are spectacular examples of the threat that human development can pose to other species. Their well-being and that of other wild plants and animals are sensitive indicators for monitoring the health of our total environment.

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Remarks of M. Rupert Cutler, Assistant Secretary for Natural Resources and Environment, before the American Association for the Advancement of Science Symposium, San Francisco, California, January 6, 1980

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Equally important are the irreversible consequences of paving productive lands with concrete and asphalt. Secretary of Agriculture Bob Bergland frequently notes that, "In my lifetime, we have paved over the equivalent of all the farmland in Ohio. If this continues, by the end of the century, we also will have paved over the equivalent of all the farmland in Indiana."

Land is the basic resource. Air surrounds it; water flows over it; and the biota live on it. The dynamic interaction of all these creates the opulent but fragile environment with which Earth is blessed.

This interaction occurs inland as well as on the coasts. The slow-growing forests of the arctic, the lush prairies, and the sparse flora and fauna of the deserts testify to the inland interplay of biota, air, water, and land.

Nevertheless, it is on the coasts that the juxtaposition of these resources is most frequent and their interaction most intense. There is a continual--at times massive--exchange between land and sea. Some of the most turbulent of these changes are caused by fierce, water-laden winds. The rich biota of the sea literally depends on the abundance of organisms in the coastal wetlands for food, spawning, and protection.

Humans have exploited the rich combination of natural resources on the coasts and have centered much of their population there. The East Coast of the United States has been affected intensely by human development since the early days of colonization. Crud-filled estuaries, waste-laden rivers and offshore waters, and shoreline development are chronic ailments.

As contrasted to the East, expansive development has come to the West Coast at a time when there is still opportunity to prevent some irreversible damages. Furthermore, the grandeur of the mountains and the lush valleys have generated continuing interest in the environment and a respect for it. Consequently, developers have found some of their most vocal opposition here, making the West Coast a veritable crucible for controversy on natural resource issues.



Most controversies have centered around perceived incompatibility between the concepts of land stewardship and land development. Stewardship, in its narrowest sense, requires preservation. Development, in a similarly narrow interpretation, calls for use. These differences are embodied in the disparate philosophies of John Muir and Gifford Pinchot, both of whom were dedicated naturalists. (3)

Despite their original differences, both concepts--as often used today--contain qualifications which bring them closer together. Stewardship to most people means conserving renewable natural resources in a way that preserves their productivity. Development means wise use, i.e., in accordance with natural resource capabilities. (16) (7)

Many present-day controversies arise over the extent of natural resource capabilities and over ways to preserve productivity. Other controversies result from the wide range of potential uses. Even though early proponents of stewardship and wise use were thinking primarily of crops and forestry, we today consider all socioeconomic demands on our natural resources, including esthetics and recreation. (16) (2) (7)

Settlement of natural resource controversies requires an allocation of values held by people. (15) Whose values are to dominate? The mineral developers? Real estate promoters? Timber industry? Farmers? Fishermen? Recreation enthusiasts? Environmentalists? Urbanites?

Determining this allocation of values can be considered equivalent to determining the public interest. There are two basic mechanisms for doing this in our country. One is through the marketplace, and the other is through government decisions. In this paper, I will emphasize government decisions.

Furthermore, I will concentrate on the role of public participation in making government decisions. I do this for three reasons:

First, as stated by Sidney Verba and Norman Nie, public participation "...is at the heart of democratic theory and at the heart of the democratic political formula in the United States." (15) Second, my own experience indicates unequivocally that



natural resource issues are too complex to be decided by the bureaucracy without public participation. Finally, I am fully confident that public participation can make a difference in the responsiveness of government decisions to citizen preferences. My confidence is reinforced by research findings and case studies. (9) (14) (2) (15)

Government agencies often undertake public participation to gather information, legitimize their decisions, and resolve conflicting points of view. (9) (5)

Their success in achieving these purposes usually is far from complete. Let's look at some examples:

In 1964, the Forest Service of the U.S. Department of Agriculture published a proposal for the acquisition and development of the Sylvania Recreation Area in Michigan. The Forest Service held no public hearings but asked that views of interested parties be given to the Supervisor of the Ottawa National Forest. (2)

The plan drew fire from local government officials who were afraid that the loss in property taxes would not be offset by the economic income from recreation and preservation activities. Wilderness conservationists believed the proposal called for too much development. After protracted negotiations with the Forest Service, the wilderness interests sued. (2) (4)

Also in the mid-1960's, the Forest Service was involved in three other court cases. One was a timber sale in the East Meadow Creek drainage of the White River National Forest in Colorado--adjacent to the Gore Range-Eagles Nest Primitive Area. In the proposed sale, the Forest Service tried to balance the need for timber by local sawmills with the implicit requirements in the Wilderness Act that the Forest Service not preempt the role of Congress in setting wilderness boundaries. Information on the sale appeared as a legal notice in a local newspaper. Invitations to bid were mailed to six purchasers. Wilderness interests sued. (2) (10)



In another case, the issue was development of the Mineral King Valley in southern California. In 1965, the Forest Service issued a prospectus to solicit proposals from private investors for extensive winter and summer recreation in the area. After much fanfare, Walt Disney Productions was given the planning permit. The Sierra Club sued. (2) (12)

Still another case involved an area that included a thousand lakes, 1200 miles of canoe routes, and 400,000 acres of virgin forest--the Boundary Waters Canoe Area of northeastern Minnesota. It is a unit of the National Wilderness Preservation System. Private rights for copper-nickel mining are held in the area. (2)

After study by a special committee which held public hearings, the Secretary of Agriculture approved management of the land for primitive-type recreation. He ordered that consent for future mineral prospecting permits be withheld except in case of national emergency. The proposed regulations were issued in 1965.

Over 3,000 responses to the agency's request for public comment were received. The resultant management directive was considerably less stringent about mineral rights and only called for emphasis on "...the preservation and maintenance of the primitive character of the area in the vicinity of lakes and streams." (2)

In 1969, the Forest Supervisor in charge of the area announced his agency's intentions to fight efforts of a private right owner to begin mineral exploration. The Izaak Walton League filed suit to prevent the Forest Service from granting the permit. (2) (6)

In all four cases, the Forest Service gathered varying amounts of information. In the one on the timber sale, little effort was made to gain support. In the last case, the Boundary Waters Canoe Area, extensive efforts were made to obtain citizens' points of view and to accommodate differences. In none of the cases did administrative remedies resolve the conflict. (2)

Similar results have been reported by Daniel Mazmanian and Jeanne Nienaber for experiences of the Corps of Engineers during the early 1970's. Because of widespread public criticism, the Corps launched extensive public participation efforts.



Studies on the effectiveness of these efforts were made on four projects. They included flood control resources for the Missouri River, port facilities for New Orleans, flood control on the Wildcat and San Pablo creeks in California, and flood control on the Snoqualmie River in Washington. (9)

The Corps practiced "open planning," i.e., public participation in identification of the problems and development of the plans. Study meetings and workshops were held in most of the affected areas. Officials of the Corps publicized the studies widely. Interested persons were expected to come forward on their own. (9)

Authority to make decisions was shared with other government officials and participants in the planning. This occurred because of the give-and-take of the participation and the efforts of the Corps to accommodate local interests. The final decision, however, was made by the Corps. (9)

The Corps elicited a large amount of information by their open planning practices. The Corps used a more open decision process than the Forest Service and was not sued by the participants. (9)

A survey of the participants yielded some interesting results. Most persons thought the process was a distinct improvement over past procedures of the Corps. Out of 15 alternative modes of public participation, they ranked the support of interest groups as the least desirable. Their first preference was participation in large public meetings to discuss proposals with Corps personnel. (9)

Generally, the participants were more favorably impressed with the process than with the merit of projects proposed by the Corps. Only those who expected a direct personal benefit from a project gave higher marks to the project than to the process. This was a serious disappointment to the Corps, and the agency reduced the effort. (9)

What are the lessons from these experiences? First, let's look at them from the point of view of the government agency.

Public participation in decisionmaking on natural resource issues obviously can provide bureaucrats additional information. The amount is dependent on the extensiveness and effectiveness of the effort to obtain comments and ideas.



The usefulness of that information to the government decisionmaker is not so obvious. If a bureaucrat wants to confirm his own ideas, he is not going to achieve his wants unless he asks the opinions of only a few persons who think as he does. Any extensive effort to obtain public comments probably will result in his becoming dismayed and discouraged.

Many government decisionmakers will want to learn the points of view of the people they serve. But whom do they serve? Are the clients of any public servant restricted? Does any government employee serve only farmers? Only environmentalists? Only owners of mineral rights? Even if the employee knows well what his special clientele want, will his decisions be responsive to the public interest? Will he allocate values properly in making his decision?

Ideally, government decisionmakers should consult all the people who have an interest in their activity. In that way, they will have information across the full spectrum of viewpoints.

How can they be sure, however, that the information they get represents the total population? Can organized groups provide what is needed? Can they depend entirely on scientific information?

The public can be considered in two categories from the standpoint of participation in government decisions: activist and inactivist. The former is either waiting to be asked or volunteers information without being asked. The latter has to be asked and--even then--may not participate. Both groups are important. Decisionmakers need to be responsive to the total population. (15)

Activists are most likely to represent the total population when there is a strong consensus on the issue throughout the population. Activists are least useful as representatives of all the people when there are major divisions of opinion. (15)

For those reasons, government decisionmakers must devise means to work with both activist and inactivist segments of the public. (15)



In the Department of Agriculture, we undertook such an effort in the Roadless Area Review and Evaluation (RARE II). We handled comments from more than a third of a million people on National Forest wilderness allocations. Many of these represented organized groups; others were individual citizens.

In the current development of appraisals and recommendations required by the Soil and Water Resources Conservation Act, we are not only having public hearings but also are conducting a poll of public opinion on issues.

We have been engaged for some time in a unique type of public involvement on land management plans for Lake Tahoe. The federal government has developed an environmental assessment of the area. State, local, and federal agencies jointly have been developing definitions of environmental thresholds, i.e., the points beyond which environmental deterioration should not be allowed to continue. These thresholds will then be approved by a bi-state commission and steps will be developed for implementing the required land use management. This has been a partnership effort among federal, state, and local agencies in which each participated in designated steps of the process.

We also have worked as partners with public organizations on specific land use issues. For example, the 960-acre Bald Eagle Habitat of the Klamath National Forest was first purchased by the National Wildlife Federation and was held by them until purchase and transfer to the Forest Service was approved.

The recently issued regulations on National Forest System Land and Resource Management Planning contain extensive provisions for public participation. The general public and interest groups are encouraged to participate throughout the planning process. This encouragement begins with publication of a notice of intent in the Federal Register. Details of proposed planning actions, issues, and public meetings are to be published in local and other news media. The modes of participation include--but are not limited to--written comments, meetings, conferences, seminars, workshops, and tours. Public comments are to be analyzed individually and by type of group or organization. (13)



In these efforts, our purpose is to obtain an estimate of the range and consensus of values regarding specific natural resource issues.

As we in the department have learned, government officials cannot assume that obtaining this information automatically leads to accurate allocations of values or decisions that are readily accepted. The information from the public has to be distilled and evaluated. Judgment has to play a role. Nevertheless, information from the public provides an important basis for that judgment.

Many natural resource decisions made within the executive branches of governments are not final. They must be put through the political process as well. Government officials must openly acknowledge this and welcome it. Use of the political process has been an essential part of the RARE II procedures for establishing wilderness areas. The President's recommendations now are before the Congress, where the public again has a chance to comment on executive branch recommendations. I sincerely believe this process will result in the most acceptable allocation of roadless areas possible.

Recognition of the role of the political process also acknowledges that the use of public participation to legitimize decisions or to resolve conflict can be only partially successful. The reported experiences of the Forest Service and the Corps of Engineers, mentioned previously, document the disappointments that result when too much is expected. Government decisionmakers must realize that in a democratic country, where differences of points of view and ways of life are encouraged, there is no easy road to obtaining acceptance of ideas. In many instances, the political process and occasionally the courts will be needed for final decisions.

Now let's look at the lessons of the past in terms of the public.

Sidney Verba and Norman H. Nie cite a poem they found on a wall in Paris. (15)

(Translation)

"Je participe	-	"I participate
Tu participes	-	You participate
Il participe	-	He participates
Nous participons	-	We participate
Vous participez	-	You collectively participate
Il profitent"	-	They profit"



Many people harbor such misgivings about public participation. These feelings were reflected in the results of the survey on the Corps of Engineers open planning in which participants liked the process but took a dim view of the projects under consideration. (9) My personal observations of advisory committees also indicate that participants are often frustrated because they doubt anyone really pays attention to their ideas.

There is no doubt that improved methods of public participation by government agencies can allay some of this frustration.

Nevertheless, I submit that, like the government official, the participating public must have realistic expectations for the outcome of their efforts.

One such expectation takes into account the existence of many and diverse sets of values--all sincerely held. Therefore, the final decision in the public interest must be a judgment among those values, a judgment of how to distribute benefits to each. Such a judgment must include tradeoffs and compromises. Seldom can the aspirations of one set of values be fully satisfied.

The other expectation is closely related. Decisions on natural resource issues are political because they determine government policy. We have elaborate local, state, and federal political systems for making such decisions. Public participation in decisions and plans by government agencies is really a redundancy of those systems. It is a supplement to them. It is not intended to preempt or replace them.

Public participation as I have addressed it in this paper is one part of the political forum. Increased use of it on the part of government and the public is the most practical recommendation I can offer for solving future natural resource conflicts.

Elliot Richardson, when Secretary of the Department of Health, Education, and Welfare, eloquently summed up the importance of public involvement in government decisions when he said:



"The hard choices in the end are bound to depend on some combination of values and instincts--and, indeed, it is precisely because the content of choice cannot be reduced to a mathematical question that we need the political forum to reach the final, most difficult decisions.

"To recognize this, however, reinforces the importance of being as honest and explicit as possible in articulating the non-measurable considerations that transcend the limits of objective analysis. Only if these considerations are exposed to full view can we bring those whose expectations have to be deferred--or overruled--to accept the legitimacy of the process by which this was done. Only thus can we hope to reconcile the loser to losing and encourage the impatient to wait.

"Without this sort of open discussion of the hard choices we must continually make, the gap between public expectations and government performance will keep growing, and the erosion of confidence in government's ability to bring about desirable change will continue." (11)

I believe it is obvious that the natural resource issues generated by West Coast development have common ingredients with issues throughout the country. I also believe that the conservation of natural resources and the protection of wildlife values, on the West Coast and elsewhere, depend on how you and I--people in and outside of government--participate in the critical decisions.

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